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6 Counsel for Defendant,
MISAELEDESMA RENTERIA

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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,) No. CR 15-00375 EJD
13)
Plaintiff,) **DEFENDANT'S SENTENCING**
14 vs.) **MEMORANDUM**
15)
MISAELEDESMA RENTERIA,) Date: July 18, 2016
16 Defendant.) Time: 1:30 p.m.
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By and through his counsel, Misael Renteria ("Mr. Renteria") submits the following sentencing memorandum in advance of his sentencing hearing on July 18, 2016.

INTRODUCTION

On April 11, 2016, Mr. Renteria entered a guilty plea to Count 1 of the Superseding Indictment (Docket 25), pursuant to a plea agreement wherein the government agreed to dismiss Counts 2, 5, 6, 7, 8, 9, 10, 11, and 14. Mr. Renteria is not safety valve eligible because of his prior drug conviction, and he did not cooperate with the government, so his guilty plea subjects him to the 120 month mandatory minimum called for in 21 U.S.C. § 841(b)(1)(A).

DISCUSSION

Mr. Renteria was the first to accept responsibility in the above captioned indictment, saving the government the resources of further court dates, discovery litigation and trial. Having suffered a prior qualifying conviction under 21 U.S.C. § 841(b)(1)(A), Mr. Renteria faced the possibility of a 20 year mandatory minimum sentence were he to proceed to trial.

Mr. Renteria concurs with the guideline calculation set forth by United States Probation:

Base Offense Level:	30 (2D1.1(c)(5))
Acceptance of Responsibility:	-3 (3E1.1(a)&(b))
Total Offense Level:	27
Criminal History Category:	II
Guideline range:	78-97 months
Mandatory Minimum Guideline:	120 months (5G1.1(b))

Probation recommends imposition of the guideline sentence, 120 months, followed by the minimum required term of supervised release - 5 years.

Mr. Renteria's offense conduct in the conspiracy was limited to the receipt and sale of cocaine. He was not involved in any violence, nor did he possess any weapons. While he agrees to forfeit the enumerated items – firearms and vehicles – in the plea agreement, he does not own or have any interest in any of them.

At 32 years of age, Mr. Renteria is hopeful that he will be able to use his time in federal prison to develop his English language abilities and learn a skilled trade in order to make himself more valuable on the job market after he is deported to Mexico. His family resides in San Jose, and has supported him since his arrest.

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1 For the foregoing reasons, Mr. Renteria asks that this Court impose the guideline sentence
2 of 120 months, to be followed and recommend that he be housed in an appropriate facility as
3 close to San Jose as possible to permit his family to visit, and a facility that provides English
4 language and trade skill education.

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6 Respectfully submitted,

7 STEVEN G. KALAR
8 Federal Public Defender

9 Dated: July 12, 2016

10 /s/
GRAHAM ARCHER
Assistant Federal Public Defender